



Arnold B. Calmann
(973) 645-4828
abc@saiber.com

February 22, 2019

BY CM/ECF

The Honorable Douglas E. Arpert, U.S.M.J.
U.S. District Court for the District of New Jersey
Clarkson S. Fisher Building and U.S. Courthouse
402 East State Street
Trenton, NJ 08608

Re: In Re: Lipitor Antitrust Litigation
Master Docket No.: 12-2389 (PGS)(DEA)
MSP Recovery Claims, Series, LLC, et al. v. Pfizer Inc., et al.
Civil Action No. 3:18-cv-14414 (PGS)(DEA)

Dear Judge Arpert:

On behalf of all Defendants in the above matter, we write in response to the End-Payor Plaintiffs' February 12, 2019 letter to Your Honor (ECF No. 843), and in response to the Court's request for responses (ECF No. 845).

In their letter, EPPs requested a consolidation of *MSP Recovery Claims, Series, LLC et al. v. Pfizer Inc., et al.*, Civil Action No. 18-cv-14414-PGS-DEA (D.N.J.) (the "MSP Action") into the *In re Lipitor Antitrust Litigation* Master Docket, Civil Action No. 12-cv-2389 (PGS/DEA), as well as "a suspension of any further briefing of the motion to dismiss" the MSP Action. For the following reasons, we agree to administrative consolidation as we note, but respectfully believe that the briefing schedule should remain in place subject to further meeting and conferring with EPPs and MSP Plaintiffs.

After a telephonic meet and confer with counsel for both the EPPs and MSP Plaintiffs on February 21, 2019, it is Defendants' understanding that the purpose of EPPs' request is to consolidate these cases only for "docketing purposes" by adding MSP Recovery related case filings to the lead MDL docket in order to ensure administrative efficiency and notice to the EPPs. EPPs and MSP Plaintiffs, however, explained that they do not currently take the position that a more formal, substantive consolidation of the EPP Action and the MSP Action is warranted. Rather, the EPPs and MSP Plaintiffs have apparently begun discussing these issues but need additional time to formulate their position(s). In light of this clarification, Defendants


The Honorable Douglas E. Arpert, U.S.M.J.
February 22, 2019
Page 2

do not object to the requested administrative consolidation of the MSP Action into the Master Docket for case coordination purposes.

Regarding EPPs' request to suspend the briefing schedule, based on the EPPs' and MSP Plaintiffs' clarification that they need more time to discuss their position(s) regarding any potential substantive consolidation of their respective actions and claims, Defendants believe the current schedule (ECF No. 839) should remain in place for now. Defendants are, however, amenable to meet and confer with EPPs and MSP Plaintiffs regarding a reasonable extension of the briefing schedule once EPPs and MSP Plaintiffs have formulated their position(s). Defendants respectfully reserve their rights to respond to the position(s) of EPPs and MSP Plaintiffs, and would request an opportunity to respond to any other issues raised by EPPs or MSP Plaintiffs in today's submissions.

We thank the Court for its consideration and assistance in this matter and of course, if the Court has any questions, we would be happy to respond to them at the Court's convenience.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Arnold B. Calmann", with a long horizontal flourish extending to the right.

Arnold B. Calmann

cc: Counsel of Record (by CM/ECF)